

EXHIBIT A

From: Samuels, Mark
Sent: Monday, June 02, 2008 2:27 PM
To: Samuels, Mark; 'Levy, Richard P.:'; '(KKochenderfer@gibsondunn.com)'
Cc: 'Eric Friedberg (efriedberg@strozllc.com)'; 'Jennifer Martin'; Herron, David; Pearl, James
Subject: RE: Intel's Letter to Judge Poppiti of May 30

Rich and Kay, can we get an answer to this question, please?

Mark

From: Samuels, Mark
Sent: Monday, June 02, 2008 8:42 AM
To: Levy, Richard P.; (KKochenderfer@gibsondunn.com)
Cc: Eric Friedberg (efriedberg@strozllc.com); Jennifer Martin; Herron, David; Pearl, James
Subject: Intel's Letter to Judge Poppiti of May 30

Rich, we would like to schedule a meeting with you or whomever is the right person on your side so we can understand the referenced letter and its implications both with respect to Intel's remediation efforts, compliance with CMO 3, and upcoming depositions. We're available tomorrow morning and would suggest that Mr. Friedberg participate as well if he is available.

Thanks,
Mark

Mark A. Samuels
O'Melveny & Myers LLP
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From: Levy, Richard P. [mailto:RPLevy@gibsondunn.com]
Sent: Monday, June 02, 2008 3:15 PM
To: Samuels, Mark; Herron, David; Pearl, James
Cc: efriedberg@strozllc.com; Jennifer Martin; Kochenderfer, Kay E.
Subject: Intel's Letter to Judge Poppiti of May 30

Mark: Due to difficulties with travel schedules and other scheduling issues, we are not going to be able get people together by tomorrow for a meeting. If you have any specific questions or issues you need immediately addressed, please let us know. We will be getting out (or trying to get out) some clarification communication that might address some or all of your concerns in the next day or so.

Richard P. Levy || Gibson, Dunn & Crutcher LLP
Direct Dial: (213) 229-7556 || Direct Fax: (213) 229-6556
Email: rplevy@gibsondunn.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

EXHIBIT B

James G. Kress

Partner

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kressj@howrey.com

May 21, 2008

VIA E-MAIL AND REGULAR MAIL

Bernard C. Barmann, Jr.
O'Melveny & Myers LLP
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Los Angeles, California 90071-2899

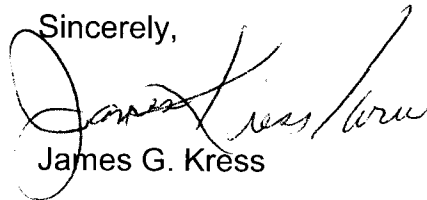
Re: AMD v. Intel

Dear Bernard:

Pursuant to our conversation today, Intel is producing approximately 900 additional custodial documents for former Intel employee Jeff Hoogenboom. These documents will be shipped tonight for next-day delivery to your vendor, Forensics Consulting. These documents were located as part of the custodian reharvest of a laptop computer Mr. Hoogenboom turned in when he left the company.

Per our discussion, we are not requiring any advance notification of documents from this supplemental production for use with this witness.

Sincerely,



James G. Kress

EXHIBIT C

From: Kress, James [mailto:KressJ@howrey.com]
Sent: Tuesday, May 27, 2008 2:32 PM
To: Pearl, James
Subject: Additional Hoogenboom Production

Bo:

I wanted to make you aware, if you were not already, that approximately 1600 documents potentially relevant to Jeff Hoogenboom were delivered to your vendor today. These are separate from the 900 or so from last week that we discussed (i.e., those documents which were from a Hoogenboom laptop reharvest).

While some of the terms are not quite well-known to me, it is my understanding that this latest set of documents were located as part of a Kevin Rusche harvest or reharvest. Mr. Rusche is an Intel employee who has worked on the IBM/Lenovo accounts. In that regard, the documents that were produced today are "repop" documents for Mr. Hoogenboom.

If you have any questions about these, let me know.

Regards,

Jim

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6/3/2008

EXHIBIT D



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January 31, 2008

OUR FILE NUMBER
008,346-0163

VIA E-MAIL AND U.S. MAIL

Richard Levy, Esq.
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WRITER'S DIRECT DIAL
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WRITER'S E-MAIL ADDRESS
jpearl@omm.com

Re: AMD v. Intel

Dear Rich:

We have received several recent Intel productions of remedial data that violate both the letter and spirit of the Second Amended Stipulation Regarding Electronic Discovery and Format of Document Production (the "Order"). In the most recent productions from Intel, we have seen thousands of documents labeled as "Multiple" instead of being attributed to a single custodian or specific custodians. See e.g., January 10, 2008 Letter from Edward Oh to Anthony Cardine; January 23, 2008 Letter from Edward Oh to Anthony Cardine; January 24, 2008 Letter from Edward Oh to Anthony Cardine.¹ As you know, the Order requires that "The native format documents shall be delivered to opposing counsel on CD, DVD or a portable hard drive. Each piece of media will be identified by a unique media control number. **The documents contained on the media will be organized and identified by custodian**, where applicable." See Order at § A2 (emphasis added); Order at § C4 (De-duplication shall be done "by custodian"). Not only do these productions violate both the letter and intent of the Order, which envisions and prescribes custodian-based productions, but the productions also break with the uniform standard and practice adhered to by both parties without exception so far, which has been to organize productions by custodian.

AMD is not raising this issue simply to be a "stickler" to the Order. Instead, Intel's new manner of production imposes a substantially more burdensome search and review obligation onto AMD. Because of the Order's dictates and the party protocols on document production to date, AMD conducts custodian-based reviews. To collect the custodian's documents from the "multiple" productions, we would have to search each "multiple production" (there are many), consolidate the documents from each production, create an artificial assignment, and then

¹ We assume these are productions that originate from Intel's "Global Database." Please let us know if we are mistaken in that assumption.

O'MELVENY & MYERS LLP

Richard Levy, Esq., January 31, 2008 - Page 2

review. And this has to be done for each and every custodian for whom Intel has produced documents, since we have no way of knowing what custodian names are on the emails within each "multiple" production. Custodian-based productions do not impose this same burden, and it was precisely this burden the custodian-based production sought to avoid. The second harm from this new production format is tracking burden. We have to track what we receive for each custodian, and have a pristine set we can go back to later. "Multiple" productions make this tracking very difficult or impossible.

We therefore request that you re-produce these documents "organized by custodian" consistent with the Order and the past practices of the parties as soon as possible.

Please feel free to give me a call if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James M. Pearl', with a long horizontal flourish extending to the right.

James M. Pearl
for O'MELVENY & MYERS LLP



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February 14, 2008

VIA EMAIL AND U.S. MAIL

Richard P. Levy, Esq.
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OUR FILE NUMBER
008.346.163

WRITER'S DIRECT DIAL
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WRITER'S E-MAIL ADDRESS
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Re: **AMD v. Intel**

Dear Rich:

This responds to your February 8, 2008 letter regarding Intel's non-custodian based, "multiple" productions of remedial documents for designated custodians.

As outlined in my January 31 letter to you, Intel's "multiple" productions do not comply with the Court's Order that documents be produced on a custodian-by-custodian basis. The Order requires that "[t]he documents contained on the media will be organized and identified by custodian, where applicable." While you seize on the last two words of this sentence to assert an exception, none applies. That language was added for one specific purpose, which was to make clear that document productions responsive to corporate requests -- which the Order also addresses -- need not be produced on a per-custodian basis because they cannot be. Custodian-based productions, including Intel's remedial productions that supply documents each custodian lost, necessarily must be made on a custodian-by-custodian basis. Intel's "multiple" productions do not comply with this explicit regimen. Intel has thus violated and is in violation of the Order.

We also must reject the notion your February 8 letter proposes that remedial documents produced to supplement a designated custodian's documents are not that individual's documents at all. Intel's remediation plan intends the documents obtained from other employees' file to supplement the non-preserving but designated custodian's own production. We could further debate the theoretical Smith/Jones distinction you suggest but, bottom line, the documents' source does not excuse a production which is not made on a custodian-by-custodian basis.

You suggest that Intel unilaterally selected its non-complying "multiple" production methodology in order to "maximize efficiency." This provides AMD no comfort. As you point out, we had to "surmise" what these "multiple" productions were in the first place. That is because you neither raised this issue, explained why it will not impose a burden on AMD (and

O'MELVENY & MYERS LLP

Richard P. Levy, Esq., February 14, 2008 - Page 2

still have not), nor sought our acquiescence in this departure from the Order's requirements prior to production. While we readily acknowledge the difficulty that both sides face in complying with the February 15 production cut-off, Intel's self-help on this point -- which was not preceded by any discussion with us whatsoever -- strikes us as a significant departure from reasonable protocol.

Our concerns about the burden this imposes on AMD are outlined in my January 31 letter. We are forced by circumstance to await completion of Intel's remedial productions, as well as the production of the "overlay database" and Intel's explanation of it that you have promised. If, in fact, what Intel contemplates is a sufficiently useful surrogate for the custodian-based productions the Order requires, then the issues we have raised will resolve themselves. We hope that is the case. Of course, AMD reserves its rights to argue Intel's violations of the Order and non-compliance with the production deadline should that prove untrue.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James M. Pearl', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

James M. Pearl
of O'MELVENY & MYERS LLP

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February 8, 2008

Via E-Mail and U.S. Mail

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C 42376-00830

James Bo Pearl
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Re: ***AMD v. Intel***

Dear Bo:

We are writing in response to your letter of January 31, 2008. Intel's electronic data production neither violates the letter nor spirit of the Order you reference. While I do not pretend to be as technically "advanced" as you or those closely involved with this project, I can report the following: The sentence you referenced, in bold, from the Order, ends with the words "where applicable." In this instance, organizing and identifying documents by custodian is "not applicable." Let me explain.

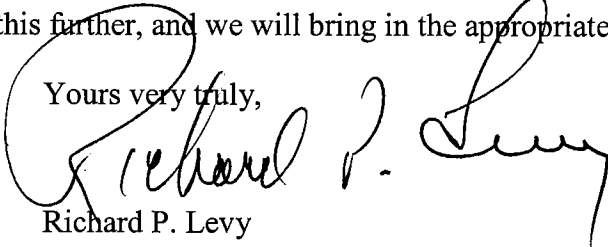
As you correctly surmise, these are documents produced in connection with Intel's remediation plan. Rather than imposing a burden on AMD, Intel produced the documents in this manner in order to maximize efficiency and to meet production deadlines. As noted in Intel's April 23, 2007 submission to the Court, Intel created a global database, the details of which you are aware. From this dataset, Intel agreed to "search for any document sent from or to (including cc and bcc), any Party Designated Custodian or Adverse Party Designated Custodian." (Intel's Remediation Plan at 38). Thus, the "actual" custodian for documents that are produced in this regard are not the Intel or AMD Designated Custodians in question, but the individual from whose files the document in question is being provided. For example, if Designated Custodian Jones sends an email to non-Designated Custodian Smith, and the email is found only within Smith's files, the "custodian" is Smith, while the Designated Custodian whose production is being supplemented is Jones.

James Bo Pearl
February 8, 2008
Page 2

In order to allow AMD to understand this system, Intel intends to supply an overlay database that will provide identifying information. In this manner, AMD can readily sort the documents, and maintain efficient tracking by the Designated Custodian or Custodians for whom a particular document remediates. In order to avoid confusion, we propose to supply AMD with a single database overlay on February 22, 2008. This will hopefully avoid any additional burden on AMD or its vendors in processing the data.

Our intent here was not to create any additional work for AMD, but to streamline the process, and provide as much clarity as possible. Your colleagues have acknowledged how difficult a task this production is for AMD; Intel's production is significantly larger and more difficult. Hopefully, both sides can figure out how to resolve issues that are sure to arise. Please let me know if you would like to discuss this further, and we will bring in the appropriate people.

Yours very truly,

A handwritten signature in black ink, appearing to read "Richard P. Levy". The signature is fluid and cursive, with the first name "Richard" being the most prominent part.

Richard P. Levy

RPL/shv/100385989_1.DOC

cc: Robert E. Cooper
Kay E. Kochenderfer